

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 3      1934      NUMBER 40

Washington, Saturday, February 26, 1938

## DEPARTMENT OF THE INTERIOR.

### Bureau of Mines.

#### REGULATIONS GOVERNING THE PRODUCTION AND SALE OF HELIUM FOR MEDICAL, SCIENTIFIC AND COMMERCIAL USE

##### INTRODUCTION

The Act approved September 1, 1937 (Public No. 411, 75th Congress, First Session), entitled "An Act Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes," reads in part as follows:

Sec. 3. (a) That the Army and Navy and other agencies of the Federal Government may requisition helium from the Bureau of Mines and make payments therefor from any applicable appropriations by advancing or repaying to and for the use of said Bureau proportionate shares of the expenses incident to the administration, operation, and maintenance of the Government's helium plants and properties.

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States and its Territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States: *Provided further*, That such sales of helium shall be at reasonable prices (established by said regulations) based upon the cost of acquiring, developing, maintaining, and operating the Government properties and the payment of interest at a rate of not less than 3½ per centum per annum on capital hereafter expended (except from the special fund established in subsection (c) of section 3 of this Act) for properties, facilities, and helium-bearing gas lands, as are used for such helium production: *Provided further*, That notwithstanding the foregoing provision helium shall be sold for medicinal purposes at prices which will permit its general use therefor; and such sales of helium shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by said regulations.

(c) All moneys received under this Act, including moneys from sale of helium or other products resulting from helium operations (except moneys received in payment for helium from Government departments or agencies under subsection (a) hereof), shall be credited to a special helium-production fund from which purchasers of helium may be reimbursed for payments for helium in excess of deliveries, and the Secretary of the Interior through the Bureau of Mines may draw on said fund to pay expenses of acquiring, administering, operating, maintaining, and developing helium properties. Amounts accumulating in said fund in excess of amounts the Secretary of the Interior deems necessary to assure payment of such expenses shall be deposited in the Treasury to the credit of miscellaneous receipts:

Under the authority of the aforementioned provisions of law these regulations are issued, with approval of the President, to govern production and sale by the Bureau of Mines, Department of the Interior, for medical, scientific, and

commercial use, of the light gas, generally referred to as "helium" or "helium gas," which consists largely of the gaseous element, helium, but contains minor amounts of other gases as impurities. Such gas is produced in the Government-owned helium plant situated near Amarillo, Texas, and may be produced in the future at other plants owned or to be acquired by the Government.

##### Section 1. Definitions

Unless the context requires other interpretation, the following terms, as used in these regulations, shall have the meaning here given:

(a) *Contained helium*.—The actual quantity of the element, helium, contained in a mixture of that element and other gases.

(b) *Purity (of helium)*.—The volume the contained helium in a mixture would occupy if not mixed with other gases, expressed in percentage of the volume of the mixture, both volumes being measured at, or reduced to, a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(c) *Cubic foot of contained helium*.—The quantity of contained helium that would occupy a volume of one cubic foot at normal atmospheric pressure (14.7 pounds per square inch absolute) and 70° Fahrenheit, if it were not mixed with other gases.

(d) *Unit of helium*.—One thousand (1,000) cubic feet of contained helium.

(e) *Market helium*.—Helium sold or to be sold under the provision of said Act which reads, "That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use."

(f) *Production outlet*.—The discharge end of the pipe or pipes through which helium of about 98 percent purity, and at a pressure of not more than 2,500 pounds per square inch gage, leaves the production equipment or storage facilities of a Government helium plant.

(g) *Actual cost per unit of helium*.—The cost per thousand cubic feet of contained helium, computed as prescribed in Section 4 hereof, of market helium at the production outlet.

(h) *Estimated cost per unit of helium*.—An estimate of the actual cost per unit of market helium at the production outlet, prepared by the Bureau of Mines prior to the time when the actual cost per unit of helium can be determined.

(i) *Service charges*.—Charges for services rendered, materials furnished, or expenses incurred by the Bureau of Mines which are not directly attributable to activities required for delivering helium at the production outlet; these may include charges for unloading, handling, repairing, loading and hauling containers supplied by purchasers of market helium, use of containers if supplied by the said Bureau, cribbing freight cars, telegrams, and other expenses that are attributable directly to an individual contract, delivery, or shipment rather than to the common cost of producing helium and delivering it at the production outlet.





Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the *FEDERAL REGISTER* will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the *FEDERAL REGISTER* should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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(j) *Actual cost plus service charges* (applicable to a given quantity of helium).—The sum of (1) the actual cost per unit of helium times the number of units in said quantity, plus (2) the service charges applicable to said quantity.

(k) *Estimated cost plus service charges* (applicable to a given quantity of helium).—The sum of (1) the estimated cost per unit of helium times the number of units in said quantity, plus (2) the estimated service charges applicable to said quantity.

(l) *Deposit*.—A sum of money to be supplied by a purchaser of market helium prior to the delivery of the helium, and to be deposited in the special helium-production fund authorized by Section 3 (c) of the said Act.

(m) *Delivery schedule*.—A schedule prepared by the Bureau of Mines showing the date or dates on which it expects to deliver helium under a contract. Such a delivery schedule may be modified by the Bureau of Mines as circumstances require and is not to be construed as a guarantee that delivery will be made as scheduled.

### Section 2. General

(a) Helium not needed for Government use, and in quantities not exceeding those which the Bureau of Mines determines can be produced with facilities under its jurisdiction in accordance with good engineering practice, may be produced and sold under these regulations as market helium, but all such sales shall be subject to the Government's right of repurchase under the provisions of Section 8 hereof. Requisitions to meet needs of the Army and Navy and other branches of the Federal service shall always be paramount to applications for and sales of market helium.

(b) Nothing in these regulations shall be construed to make mandatory the production and sale of market helium by the Bureau of Mines. The Director of the Bureau of Mines may refuse to accept, and the Secretary of the Interior may refuse to approve, any application for purchase of market helium when they consider its acceptance or approval to be contrary to the intent of the Act, disadvantageous to the national defense, or inimical to the best interests of the Government.

(c) Other things being equal, in considering applications, contracting for sale, scheduling deliveries, and making shipments of market helium, in so far as practicable helium for medical use shall be given preference over helium for other non-governmental uses, and the Secretary of the Interior or the Director of the Bureau of Mines, in their discretion, may order interruption of deliveries of helium under any contract when, in their judgment, deliveries under another contract merit preference.

(d) Unless otherwise agreed to by the Bureau of Mines in writing, market helium to be sold under these regulations is for delivery to purchasers at a Government-owned helium plant to be designated by the Bureau of Mines. All sales of helium under any contract shall be complete upon delivery by the Government at the production outlet, or at such other point as may be agreed upon by the Bureau of Mines in writing, and the Bureau of Mines shall thereafter, with respect to helium so delivered, be acting for the purchaser as an agent merely.

(e) Contracts for market helium shall not be subject to cancellation or transfer by the purchaser, in whole or in part, unless authorized by an amendment or cancellation of such contract executed by the Director of the Bureau of Mines, and if such amendment or cancellation is with respect to more than 100 units of helium, the same shall not be effective unless approved by the Secretary of the Interior.

(f) Shipping containers for market helium sold hereunder shall be supplied by the purchaser of such helium, unless otherwise agreed upon by the Bureau of Mines in writing.

(g) Containers supplied by purchasers of market helium and filled by the Bureau of Mines shall be suitable for the intended use and shall be acceptable as containers for shipment by a common carrier in interstate commerce whether or not their shipment on such carrier is contemplated. The Bureau of Mines will not knowingly fill any container which



cannot be shipped or transported, legally and safely, to its ultimate destination.

(h) In the interest of safety and efficiency in plant operation, containers and valves supplied by purchasers to receive helium to be delivered under pressure by the Bureau of Mines shall be of types and in condition acceptable to said Bureau. The Bureau's supervising engineer or other official in charge at any helium plant is authorized to refuse to fill any container when he considers its filling to be unsafe or inexpedient.

(i) In case a purchaser fails to have suitable containers at the Government helium plant in adequate time to receive any scheduled delivery of helium, the Bureau of Mines, at its election, may schedule that delivery for any later time suited to its operating program or eliminate the quantity of helium in that scheduled delivery from the amount of helium remaining to be delivered under the pertaining contract.

(j) Determinations of purity and quantity shall be by methods prescribed by or acceptable to the Bureau of Mines. The delivery of a quantity of helium within plus or minus two percent of that contracted for shall constitute a fulfillment of the contract on the Government's part, but payment shall be on the basis of the actual quantity of contained helium delivered as determined by the said Bureau's accepted methods of measurement.

(k) The Government shall be held blameless for delays in delivery of helium ordered, loss of containers, faulty or leaky containers, loss of helium in transit from whatever cause, variations in purity, or the character of any impurity which may be with the helium. The provisions of this paragraph shall apply whether containers are furnished by the purchaser or by the Government.

(l) Nothing in these regulations or in any sale or contract for the sale of helium or in any part of any such contract, regardless of the intended use or disposition of helium by any purchaser, shall be construed as authorizing the exportation of any helium within the meaning of the Act.

(m) These regulations are subject to amendment, with approval of the President, at any time.

### Section 3. Application and Acceptance

(a) Persons, firms, corporations, associations or institutions who desire to purchase market helium under these regulations may make application therefor on an application form similar to that included in the form of contract shown in the appendix of these regulations. Copies of said application form will be furnished by the Bureau of Mines on request.

(b) The applicant shall supply to the Bureau of Mines, under oath or affirmation, on said form and supplemental papers, full information concerning the quantity of helium desired; the desired date of delivery; the contemplated use or disposition of the helium; whether the helium is to be exported and, if so, the export license procured from the Secretary of State or plans for procuring such license; the disposition of any helium previously purchased; anticipated future requirements, if any; types, condition, and ownership of containers and valves to be supplied; proposed method of shipment; destination of the helium; and any other data that may be needed by officials of the Department of the Interior and the Bureau of Mines to enable them to judge whether the need for the helium is bona fide, and whether the helium desired can be supplied in accordance with the intent of the said Act and these regulations, and under conditions of safe and efficient plant and gas-field operation. Also, if the helium is to be used for airship inflation, the applicant shall identify and describe the craft for which the helium is intended, supply full information regarding the proposed use of such craft (including full information concerning the proposed schedule of operations if flights are to be made outside the United States), and provide assurance that the said helium will be used for inflation of only such airships as operate in or between the United States and its territories and possessions, or between the United States or its territories and possessions and foreign countries, and that

said helium will not be used for inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States.

(c) Upon receipt of a properly executed application and the required information pertaining thereto, the Bureau of Mines shall determine the practicability of supplying the requirements under the conditions stated. If the said Bureau considers it impracticable or inadvisable to supply the helium as requested it shall so notify the applicant; otherwise, it shall schedule the helium for delivery (contingent upon final execution of a contract pursuant to the application), and supply the applicant with estimates of the cost per unit of helium, service charges applicable to the contemplated deliveries of helium, delivery schedule, and amount of the deposit or deposits required.

(d) If the applicant desires to purchase the helium under the terms of these regulations and considering the estimates and statements of conditions supplied by the said Bureau, he shall execute a contract covering purchase of the helium applied for. The form of such contracts is indicated in the appendix of these regulations. Said contract shall be forwarded to the Bureau of Mines, accompanied by an initial deposit in the form of a certified check for the amount required payable to the Treasurer of the United States, within ten days from receipt of estimates of the cost per unit of helium, service charges, and delivery schedule, and notice of the initial deposit required.

(e) Failure to execute and forward the said contract or to make the required initial deposit within the time allotted may nullify the delivery schedule at the discretion of the Bureau of Mines.

(f) Upon receipt of a properly executed contract accompanied by the stipulated initial deposit the contract will be forwarded for the consideration of the Director of the Bureau of Mines. If such a contract executed by the said Director is for more than 100 units of helium (100,000 cubic feet of contained helium) it shall also be forwarded to the Secretary of the Interior for consideration and shall not be binding until approved by him in writing. If the said contract is executed by the Director of the Bureau of Mines (and approved by the Secretary of the Interior if it is for more than 100 units of helium), the initial deposit will be placed to the credit of the special helium-production fund provided for by Section 3 (c) of the said Act. Otherwise the certified check will be returned to the applicant.

### Section 4. Actual Costs and Service Charges

(a) After the close of each fiscal year (ending June 30) the Bureau of Mines shall compute, and submit to the Secretary of the Interior for approval, the actual cost per unit of helium for market helium sold during that year, determined by adding operating cost, depreciation, depletion, and interest, as defined below, for all properties that produced market helium during that year, and dividing the sum of money so determined by the total number of units of helium produced and sold as market helium, plus the number of units produced by Governmental agencies, by such properties during that year:

*Operating cost.*—The expenses (exclusive of those covered by service charges) incurred by the Bureau of Mines during such year in supervising, operating and maintaining such properties; less the returns credited or creditable to the special helium-production fund established by Section 3 (c) of said Act that are derived from residue natural gas or by-products from such properties sold during such year: *Provided, however,* that if in the judgment of the Secretary of the Interior deduction of all such returns gives an operating cost that is unduly low, all or any part of such returns may be eliminated from consideration in the determination of operating cost.

The expenses incurred, as computed for the determination of operating cost, shall take into account the expenditures (exclusive of those covered by service charges) for plant and gas-field operation and maintenance, including supplies and smaller items of equipment therefor, of the



character which, prior to September 1, 1937, were customarily lodged against funds transferred by the Army and Navy and other Federal agencies for helium procurement and funds appropriated to the Bureau of Mines under the appropriation title "Gas production for helium plants", but not including expenditures for property and major facilities or items of equipment to be amortized through depreciation and depletion as hereinafter specified; and in computing said operating cost appropriate adjustments shall be made for increases or decreases in stocks of supplies and equipment held in the Bureau's plant and gas-field store rooms.

**Depreciation.**—A reasonable charge for the depreciation of any Government-owned plant and pertaining equipment used in production of market helium during said year (not including items covered by operating cost), computed on a basis that can be expected to amortize the cost of acquiring and developing such plant and equipment by the end of its productive life.

**Depletion.**—A reasonable charge for the depletion of any Government-owned helium-bearing gas properties used in production of market helium during said year (not including items covered by operating cost), computed on a basis that can be expected to amortize the cost of acquiring and developing such properties by the end of their productive lives.

**Interest.**—Interest for said year at the rate of  $3\frac{1}{2}$  per centum on capital expended after September 1, 1937 (except from the special fund established in subsection (c) of Section 3 of the said Act), for properties, facilities, and helium-bearing gas lands used for production of market helium during said year, and not yet amortized through charges for depreciation and depletion.

(b) Service charges shall be determined by the Bureau of Mines on the basis of the cost to the Government of rendering the service, making due allowance for contingencies, overhead expense, and intangible factors. As conditions permit, the said Bureau shall prepare schedules of charges for service items of substantially uniform cost, which schedules shall be made known to purchasers of helium and be effective until modified by the Bureau of Mines.

(c) The actual cost plus service charges for a fiscal year (for use in adjusting deposits as provided in Section 7 hereof) under each contract shall be:

(1) The actual cost per unit of helium for that fiscal year (as computed by the Bureau of Mines and approved by the Secretary of the Interior) times the number of units of helium delivered under that contract during said year, plus

(2) All service charges entered against that contract during said year:

*Provided, however,* That the minimum to be included in said actual cost plus service charges on account of the helium in any one shipment under such contract, and the delivery of such helium, shall be \$10.00 plus all service charges attributable to that shipment.

#### Section 5. Estimated Costs and Service Charges

(a) On or before the beginning of each fiscal year, the Bureau of Mines shall prepare an estimate of the cost per unit of helium for that fiscal year, based on operating conditions and the expected volume of deliveries, as indicated by information received from Governmental departments, commercial interests using helium, and any other available sources. After approval of that estimate by the Secretary of the Interior it shall be the estimated cost per unit of helium for use as indicated in Section 6 hereof for computing deposits. Such estimates may be revised from time to time during the year as changing conditions may warrant, and each revised estimate, when approved by the Secretary of the Interior, shall become the estimated cost per unit of helium

for use (until revised again) in computing deposits to accompany subsequent contracts and determining required additions to deposits under contracts previously made: *Provided, however,* that in computing the deposit required under an application for a quantity of helium large enough to have a material effect on the actual cost per unit of helium, the Bureau of Mines may use a revised estimate of the cost per unit of helium that has not yet been approved by the said Secretary; in which event, however, such revised estimate shall be submitted to the said Secretary for approval prior to or simultaneously with submission for final execution of the contract arising out of said application.

(b) Upon the receipt of each application for purchase of helium, the Bureau of Mines shall estimate the service charges applicable to such helium and its delivery, based upon the volume of helium to be delivered, types of containers to be supplied, method of transportation, and other pertaining factors; and the said Bureau shall make such estimates known to the applicant.

#### Section 6. Deposits

(a) The initial deposit to be made by the purchaser, before final execution on behalf of the Government of any contract for purchase of market helium, shall be one hundred twenty per centum (120%) of the estimated cost plus service charges applicable to the helium (and delivery thereof) to be delivered under such contract; said estimated cost plus service charges being,

(1) The estimated cost per unit of helium (as estimated by the Bureau of Mines and approved by the Secretary of the Interior) multiplied by the number of units of helium to be delivered, plus

(2) The estimated service charges applicable to the helium to be delivered:

*Provided, however,* that in no event shall the amount included for item (1) above be less than \$10.00: *Provided further,* that if such a contract is for the purchase of more than 1,000 units of helium, the deliveries of which are to be extended over a period that in the judgment of the Bureau of Mines warrants application of this proviso, the initial deposit may be a sum not less than sixty per centum (60%) of the estimated cost plus service charges applicable to all helium to be delivered under said contract, or the amount estimated by the Bureau of Mines to be necessary to meet obligations incurred or to be incurred in producing and delivering the helium called for by such contract, whichever amount is the greater.

(b) In case the initial deposit under a contract is less than the said one hundred twenty per centum (120%) of the estimated cost plus service charges, or in the event that (as a result of an increase in the estimated price per unit of helium or for any other reason) the amount that has been deposited under a contract is less than the amount required to be on deposit under the following provisions of this subsection and deliveries of helium under that contract have not been completed, the purchaser shall deposit additional funds (in the form of certified checks payable to the Treasurer of the United States) at such times and in such amounts that at least 30 days in advance of any scheduled delivery under such contract the amount the purchaser has deposited under that contract shall equal or be greater than the following, to wit:

(1) One hundred per centum (100%) of the actual cost plus service charges applicable to all helium delivered under said contract for which actual costs have been determined, plus

(2) One hundred twenty per centum (120%) of the latest estimated cost plus service charges applicable to all helium delivered under said contract for which actual costs have not yet been determined, plus

(3) One hundred twenty per centum (120%) of the latest estimated cost plus service charges applicable to the esti-



mated amount of helium to be delivered in the next scheduled delivery, plus

(4) Sixty per centum (60%) of the latest estimated cost plus service charges applicable to the amount of helium to be delivered under such contract subsequent to the next scheduled delivery:

*Provided, however,* that in lieu of making a supplemental deposit required by an increase in the estimated cost per unit of helium, the purchaser may accept a corresponding decrease (to be determined by the Bureau of Mines) in the quantity of helium subsequently to be delivered under such contract.

(c) In case any scheduled delivery of helium is not made because of failure of the purchaser to deposit adequate funds as hereinbefore required, the Bureau of Mines, at its election, may schedule that delivery for any later time suited to its operating program or deduct the quantity of helium in that scheduled delivery from the amount of helium remaining to be delivered under the pertaining contract.

#### Section 7. Adjustments of Deposits, Refunds, and Final Settlements

After the close of a fiscal year (ending June 30) and the computation by the Bureau of Mines and approval by the Secretary of the Interior of the actual cost per unit of helium for that year, and computation of service charges applicable under each contract, adjustments in deposits shall be made as follows:

(a) In the case of each contract under which no helium remains to be delivered and the actual cost plus service charges applicable to all helium delivered thereunder has been determined, the purchaser shall be entitled to receive (without interest) the excess, if any, that remains after one hundred five per centum (105%) of the actual cost plus service charges applicable to all helium delivered under said contract during the said fiscal year, and one hundred per centum (100%) of the actual cost plus service charges applicable to all helium delivered under said contract during any prior fiscal year, have been subtracted from the amount of money the purchaser has deposited under that contract; and the money deposited (exclusive of such excess if any) shall constitute full payment of the price for the helium delivered under said contract and the delivery thereof.

(b) In the case of each contract under which deliveries of helium have not been completed, or under which the actual costs plus service charges applicable to all deliveries have not been determined, the purchaser, at the option and in accordance with the determinations of the Bureau of Mines acting under the direction of the Secretary of the Interior, may be entitled to receive (without interest) all or a part of the excess, if any, that remains after subtracting from the amount of money the purchaser has deposited under that contract the following, to wit:

(1) The actual cost plus service charges, as specified in Section 4 (c) hereof, for all helium delivered under said contract for which actual costs have been determined, and for the delivery of such helium, plus

(2) The amounts required to be on deposit under the terms of Section 6 hereof to cover helium delivered under said contract for which actual costs have not yet been determined, and to cover all helium remaining to be delivered under said contract, and to cover delivery of all such helium.

(c) Excesses due purchasers under the terms of subsections (a) and (b) of this Section 7 shall be paid to such purchasers out of the special helium-production fund authorized by Section 3 (c) of the said Act: *Provided, however,* that at the election of the purchaser any such excess may be left on deposit to the credit of the same contract or any other contract for purchase of helium from the Government to which said purchaser may be a party.

#### Section 8. Repurchase of Helium by Government

(a) Any market helium sold by the Bureau of Mines under these regulations that has not been lost or dissipated may be repurchased by the Government when needed for Government use, at the place where said helium is in use or storage.

(b) The price to be paid by the Government per unit of helium, for delivery at the said place of use or storage, for helium of 98 percent purity or better, shall be,

(1) The actual cost per unit of helium for the year in which said helium was purchased from the Bureau of Mines, less one half of one percent of said cost for each month or fraction thereof since the said helium was shipped from the Government plant, or

(2) The actual cost per unit of helium for market helium purchased from the Bureau of Mines during the fiscal year immediately preceding the repurchase, whichever of said costs is the higher:

*Provided, however,* that the said unit price of repurchase shall not be more than 20 percent greater or more than 20 percent less than the actual cost per unit of helium for the fiscal year in which the said helium was purchased from the Bureau of Mines.

For repurchased helium of less than 98 percent purity the unit price to be paid by the Government shall be the price as above determined less one percent thereof for each one percent that the purity is below 98 percent.

A premium of 50 cents per unit of helium, above the prices as above determined, shall be paid by the Government for helium which is compressed into cylinders or tank cars at 2,000 pounds per square inch or more, by the seller at the request of the Government; and such additional premium as the Secretary of the Interior may deem to be just compensation for savings to the Government in transportation charges may be paid in instances when the helium being repurchased is advantageously situated with respect to the contemplated point of Governmental use.

If the helium being repurchased is a mixture of helium from different shipments of market helium sold by the Bureau of Mines, the helium mixture on hand shall be assumed, for purposes of computing the repurchase price, to represent the latest shipments, or fractions thereof, that were incorporated into that mixture, considering the shipments in order of recentness until all helium on hand is accounted for.

#### Section 9. Nongovernmental Resale of Helium

(a) Before consummation of any resale of 100 units or more of market helium that has been sold by the Government under these regulations, whether the seller procured the said helium from the Bureau of Mines or from some other party, full information regarding such proposed resale shall be supplied by the reseller to the Bureau of Mines, in order that the Government, if it so desires, may exercise its right to repurchase said helium under the provisions of Section 8 hereof.

(b) Whenever 100 units or more of market helium that has been purchased from the Bureau of Mines under these regulations is resold, it shall be sold only with the approval of the Secretary of the Interior, and such approval may be granted only if the party to whom the helium is to be resold informs the said Secretary fully concerning the proposed use and disposition of said helium and enters into a written agreement with the United States of America, as represented by the Secretary of the Interior, that such party will abide by all applicable terms and requirements of the Act and these regulations.

#### Section 10. Violations

Any person, firm, corporation, association, or institution which the Secretary of the Interior shall at any time find



has violated any of the provisions of the Act or of these regulations may be denied thereafter, in the discretion of the said Secretary, any or all privileges to purchase helium from the Bureau of Mines.

Recommended for approval.

JOHN W. FINCH,  
Director, Bureau of Mines.

Recommended for approval, January 14, 1938.

HAROLD L. ICKES,  
Secretary of the Interior.

Approved, Jan. 14, 1938.

FRANKLIN D. ROOSEVELT  
President of the United States.

#### APPENDIX

##### Form of Contract

A contract covering a sale of helium, including the application to be submitted by the purchaser and report thereon to be prepared by the Bureau of Mines prior to the execution of the contract, will be in form and substance substantially as follows, but alterations in said form that are not inconsistent with the Act or the foregoing provisions of these regulations may be made by the Bureau of Mines, with approval of the Secretary of the Interior, and forms so altered may be inserted in this appendix.

#### CONTRACT FOR PURCHASE OF HELIUM FROM UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF MINES

This space is for recording by the Bureau of Mines and is not a part of the contract.

Application No. \_\_\_\_\_ Date \_\_\_\_\_  
Contract received from purchaser \_\_\_\_\_  
Contract forwarded to Washington \_\_\_\_\_  
Contract No. \_\_\_\_\_ Date \_\_\_\_\_

This HELIUM PURCHASE CONTRACT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between THE UNITED STATES OF AMERICA, acting through the DEPARTMENT OF THE INTERIOR, BUREAU OF MINES (hereinafter called the Bureau) and \_\_\_\_\_ dealing as \_\_\_\_\_ (specify whether individual, partnership or corporation, and give requisite identifying information.) (hereinafter called the purchaser),

#### Witnesseth:

That, whereas, the purchaser desires to purchase \_\_\_\_\_ units of helium (\_\_\_\_\_ cu. ft. of contained helium) from the Bureau pursuant to the Act of Congress entitled "An Act Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes," approved September 1, 1937 (hereinafter called the Act) and under regulations governing production and sale of helium by the Bureau, approved by the President on January 4, 1938, or as hereafter modified with approval of the President, (hereinafter called the regulations), which Act and regulations are hereby made a part of this contract by reference, and

Whereas, the purchaser has filed an application dated \_\_\_\_\_ with the Bureau for said helium, stating in said application his need for and intended use of said helium and agreeing therein to abide by the terms of said Act and regulations in the purchase, use and disposition of such helium; a copy of which application is attached hereto and made a part hereof, and

Whereas, the Bureau has determined that the said helium can be produced with facilities under its jurisdiction in accordance with good engineering practice and has prepared a report on said application, stating the amount of the initial deposit required of the purchaser and giving estimates of the delivery schedule and future deposits required; which report is attached hereto and made a part hereof, with the understanding, however, that the data of said report are estimates only, and

Whereas, the purchaser has submitted to the Bureau with this contract a certified check in the amount of \$\_\_\_\_\_ as the initial deposit called for by said report;

Now, therefore, for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties hereto mutually covenant and agree as follows:

#### ARTICLE 1. The Bureau agrees:

- (a) To sell to the purchaser \_\_\_\_\_ units of helium (\_\_\_\_\_ cubic feet of contained helium),
- (b) To deliver said helium to the purchaser in accordance with the terms of the regulations and as nearly in accord with

estimated shipping schedules as the exigencies of the Government service, need for helium by the Government, and conditions of operation will permit, and

- (c) After the computation and approval of the actual cost plus service charges for a fiscal year for helium delivered hereunder, and for the delivery of such helium, to refund to the purchaser any amount that may be due under the terms of said regulations.

#### ARTICLE 2. The purchaser agrees:

- (a) To buy from the Bureau \_\_\_\_\_ units of helium (\_\_\_\_\_ cubic feet of contained helium),
- (b) To take such steps as may be necessary on the purchaser's part to enable the Bureau to make deliveries as scheduled,
- (c) To pay for said helium in advance of delivery by depositing such amounts as may be called for under the terms of said regulations, and
- (d) To comply with all applicable provisions of the Act and regulations.

ART. 3. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but the provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

ART. 4. If this contract is for the purchase of more than 100 units of helium (100,000 cubic feet of contained helium) it shall be subject to the written approval of the Secretary of the Interior and shall not be binding until so approved.

In witness whereof, the parties hereto have caused these presents to be duly executed in triplicate by their proper officers the day and year first above written.

(Purchaser)

(Address)

THE UNITED STATES OF AMERICA,

Director, Bureau of Mines.

Approved:

Secretary of the Interior.

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ secretary of the corporation named as the purchaser herein; that \_\_\_\_\_ of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

[CORPORATE SEAL]

#### APPLICATION TO PURCHASE HELIUM FROM UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES

This space is for recording by the Bureau of Mines and is not a part of the application.

Application No. \_\_\_\_\_ Date \_\_\_\_\_  
Received \_\_\_\_\_  
Rejected and applicant notified \_\_\_\_\_  
Report prepared and contract sent applicant \_\_\_\_\_

Name of Applicant \_\_\_\_\_ (use name under which contract is to be made)

Address \_\_\_\_\_

Date \_\_\_\_\_

Give Full Information as Indicated Below, Attaching Additional Sheet if Necessary for Completing Answers

- (1) Quantity of helium desired. \_\_\_\_\_ cu. ft. of contained helium at 14.7 lb. per sq. in. and 70° F.
- (2) Delivery date desired. \_\_\_\_\_
- (3) (a) Use for which helium is desired. \_\_\_\_\_  
(b) Place of use. \_\_\_\_\_
- (4) Contemplated user of helium. \_\_\_\_\_
- (5) (a) Is helium for resale? \_\_\_\_\_  
(b) Expected resale price. \_\_\_\_\_
- (6) (a) Is helium to be exported? \_\_\_\_\_  
(b) If helium is to be exported, give number and date of export license issued by Secretary of State or sufficient information to identify the allotment under which application for license to export will be made to Secretary of State, or, if license or allotment has not been obtained, the applicant's plans for obtaining an export license. \_\_\_\_\_
- (7) Name, description and proposed use of aircraft for which helium is intended. \_\_\_\_\_
- (8) Proposed schedule of any flights to be made outside United States with such aircraft. \_\_\_\_\_



- (9) Quantities of helium previously purchased from Bureau of Mines. \_\_\_\_\_
- (10) Disposition of such helium, and quantities still on hand. \_\_\_\_\_
- (11) Anticipated future helium requirements. \_\_\_\_\_

## Shipping Containers

- (12) Containers to be furnished by applicant. (a) Number. \_\_\_\_\_  
(b) Type. \_\_\_\_\_ (c) Age. \_\_\_\_\_  
(d) Owner. \_\_\_\_\_
- (13) Do containers meet I. C. C. specifications? \_\_\_\_\_
- (14) (a) When were containers last tested? \_\_\_\_\_  
(b) To what pressure? \_\_\_\_\_
- (15) To what pressure does applicant want containers filled? \_\_\_\_\_
- (16) (a) When were containers last used? \_\_\_\_\_  
(b) For what gas? \_\_\_\_\_
- (17) What do containers now contain? \_\_\_\_\_
- (18) Valves on containers: (a) Type. \_\_\_\_\_  
(b) Mfg. \_\_\_\_\_
- (19) How are valves protected? \_\_\_\_\_
- (20) What is condition of: (a) Containers? \_\_\_\_\_  
(b) Valves? \_\_\_\_\_
- (21) How can applicant's containers be identified? \_\_\_\_\_
- (22) What is actual internal volume of containers? \_\_\_\_\_
- (23) (a) How and from where are containers to be transported to helium plant? \_\_\_\_\_  
(b) How and to what point are containers to be transported from helium plant? \_\_\_\_\_

The undersigned hereby makes application to purchase helium in quantities and under conditions as above described; swears (affirms) that the need for such helium is bona fide, that he has read the Act approved September 1, 1937 (Public No. 411, 75th Congress, First Session) and regulations issued pursuant thereto, that the contemplated use of the helium applied for is not in violation of said Act and regulations, and that all statements and answers set forth herein are true; and agrees that if a contract for purchase of helium is entered into as a result of this application the applicant will abide by the terms of said Act and regulations in the purchase, use and disposition of such helium.

(Signature of applicant) \_\_\_\_\_

(Title) \_\_\_\_\_

(If the applicant is a firm, corporation, association, or institution, the signature shall be that of its duly authorized representative)

Subscribed and sworn to before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

[SEAL]

Notary Public.

## REPORT ON APPLICATION TO PURCHASE HELIUM FROM BUREAU OF MINES

Prepared \_\_\_\_\_ concerning \_\_\_\_\_  
Application No. \_\_\_\_\_ Dated \_\_\_\_\_  
Name of Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Quantity of helium applied for \_\_\_\_\_ units  
Estimated cost per unit of helium \$ \_\_\_\_\_  
The above estimated cost (has) (has not) been approved by the Secretary of the Interior. (If not yet approved this estimated cost will be submitted for the Secretary's consideration before or simultaneously with submission of the contract.)  
Estimated cost per unit of helium multiplied by number of units \$ \_\_\_\_\_  
Estimated service charges \$ \_\_\_\_\_  
Estimated cost plus service charges \$ \_\_\_\_\_  
Initial deposit required with contract (\_\_\_\_% of estimated cost plus service charges) \$ \_\_\_\_\_

Estimated deposit schedule		Estimated shipping schedule		Shipments made (This column is for recording by Bureau of Mines and is not a part of the report)	
Date	Amount	Date	Amount	Date	Amount

Detailed estimates of service charges on reverse side

Supervising Engineer, Bureau of Mines Helium Plant.

[F. R. Doc. 38-575; Filed, February 25, 1938; 9:52 a. m.]

## Division of Grazing.

## OREGON GRAZING DISTRICTS NOS. 2 AND 5

## MODIFICATION

FEBRUARY 17, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Oregon Grazing Districts Nos. 2 and 5, as established by orders approved July 9, 1935, and October 21, 1935, respectively, are hereby modified, and the following-described lands are hereby transferred from Oregon Grazing District No. 5 to Oregon Grazing District No. 2:

## OREGON

## Willamette Meridian

T. 23 S., R. 18 and 19 E.;

T. 23 S., R. 20 E., secs. 31 to 35, inclusive.

and the following-described lands are hereby transferred from Oregon Grazing District No. 2 to Oregon Grazing District No. 5:

T. 21 S., R. 15 E., E $\frac{1}{2}$  sec. 34, secs. 35 and 36;T. 22 S., R. 15 E., secs. 1, 2, E $\frac{1}{2}$  sec. 10, secs. 11 to 16 inclusive, NE $\frac{1}{4}$  sec. 21, secs. 22 to 27 inclusive, E $\frac{1}{2}$  sec. 34, secs. 35 and 36;T. 22 S., R. 16 E., secs. 1, 2, NE $\frac{1}{4}$  sec. 3, N $\frac{1}{2}$  sec. 4, E $\frac{1}{2}$  sec. 5, W $\frac{1}{2}$  sec. 7, NE $\frac{1}{4}$  sec. 8, W $\frac{1}{2}$  sec. 9, E $\frac{1}{2}$  sec. 10, secs. 11 to 16 inclusive, E $\frac{1}{2}$  sec. 17, S $\frac{1}{2}$  sec. 18, sec. 19, N $\frac{1}{2}$  sec. 20, W $\frac{1}{2}$  sec. 21, N $\frac{1}{2}$  sec. 22, secs. 23, 24, 25, W $\frac{1}{2}$  sec. 28, sec. 30, NW $\frac{1}{4}$  sec. 31, W $\frac{1}{2}$  sec. 33, E $\frac{1}{2}$  sec. 34, W $\frac{1}{2}$  sec. 35, sec. 36.

T. 22 S., R. 17 E., all.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 38-586; Filed, February 25, 1938; 10:33 a. m.]

## National Bituminous Coal Commission.

[Order No. 230]

## AN ORDER REVOKING ORDERS ESTABLISHING MINIMUM PRICES AND MARKETING RULES AND REGULATIONS FOR DISTRICTS NO. 1 TO NO. 20 INCLUSIVE AND DISTRICTS NO. 22 AND NO. 23

The National Bituminous Coal Commission having established Minimum Prices and Marketing Rules and Regulations for Districts No. 1 to No. 20 inclusive and Districts No. 22 and No. 23 by orders of the Commission, and it now appearing that many of the minimum prices established by orders of the Commission have become inoperative due to causes beyond the control of the Commission and that the express intention of Congress, as provided in Section 4, Part II, (a) and (b) of the Bituminous Coal Act of 1937, cannot be effectuated by the minimum prices remaining in effect and that the condition thereby created is detrimental to the interests of code members,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the following orders of the Commission relating to Minimum Prices and Marketing Rules and Regulations, together with all temporary orders issued in proceedings in-



stituted by petitioners under Section 4, Part II (d) of the Act, are hereby revoked:

No. 88	No. 133	No. 163	No. 200
No. 89	No. 134	No. 164	No. 201
No. 90	No. 135	No. 165	No. 203
No. 91	No. 136	No. 166	No. 204
No. 92	No. 137	No. 167	No. 206
No. 93	No. 138	No. 169	No. 207
No. 94	No. 139	No. 177	No. 208
No. 95	No. 140	No. 179	No. 209
No. 96	No. 141	No. 180	No. 210
No. 97	No. 142	No. 181	No. 211
No. 98	No. 143	No. 182	No. 212
No. 99	No. 144	No. 183	No. 213
No. 100	No. 145	No. 184	No. 214
No. 101	No. 146	No. 185	No. 215
No. 111	No. 147	No. 186	No. 216
No. 113	No. 148	No. 187	No. 217
No. 114	No. 149	No. 188	No. 218
No. 119	No. 150	No. 189	No. 220
No. 121	No. 151	No. 190	No. 221
No. 122	No. 152	No. 191	No. 222
No. 124	No. 153	No. 192	No. 223
No. 126	No. 154	No. 193	No. 224
No. 127	No. 155	No. 194	No. 225
No. 128	No. 157	No. 195	No. 226
No. 129	No. 158	No. 196	No. 227
No. 130	No. 159	No. 197	No. 228
No. 131	No. 160	No. 198	No. 229
No. 132	No. 161	No. 199	

2. That this order of revocation shall become effective at 11:59 o'clock P. M. on the 25th day of February, 1938.

3. That the Secretary of the Commission shall forthwith telegraph a copy of this order to the Secretaries of the Bituminous Coal Producers Boards for the several Districts, that the Secretaries of said Boards are instructed to notify each of the code members within their respective Districts of the revocation of the orders above mentioned, and that the Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, and to all code members, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 23rd day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-597; Filed, February 25, 1938; 12:15 p. m.]

[Docket No. 4-C]

IN THE MATTER OF ORDER NO. 122<sup>1</sup> RELATING TO COMMISSIONS OR DISCOUNTS ON RAILROAD LOCOMOTIVE FUEL

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for February 28, 1938, at the hour of 10:00 o'clock A. M., at the Hearing Room of the Commission in the Walker Building, Washington, D. C., is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-591; Filed, February 25, 1938; 12:16 p. m.]

[Docket No. 9]

IN THE MATTER OF ORDER NO. 127<sup>2</sup> RELATING TO SUBSTITUTION

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for February 28, 1938 at the

<sup>1</sup> 3 F. R. 404 (DI).

<sup>2</sup> 3 F. R. 405 (DI).

hour of 10 A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C. is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-592; Filed, February 25, 1938; 12:16 p. m.]

[Docket No. 10]

IN THE MATTER OF ORDER NO. 205<sup>1</sup> PROVIDING FOR A HEARING IN RELATION TO MAXIMUM DISCOUNTS OR PRICE ALLOWANCES

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for March 2, 1938 at the hour of 10:00 A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C., is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-593; Filed, February 25, 1938; 12:16 p. m.]

[Docket No. 11]

IN THE MATTER OF ORDER NO. 214<sup>1</sup> PROVIDING FOR A HEARING TO RECEIVE EVIDENCE TO ENABLE THE COMMISSION TO REVIEW THE APPLICATION OF BASE RATES AND FREIGHT RATE ADJUSTMENTS BETWEEN AND AMONG DISTRICTS 1 TO 8, INCLUSIVE

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for March 10, 1938 at the hour of 10:00 A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C. is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-588; Filed, February 25, 1938; 12:15 p. m.]

[Docket Nos. 85, 106-109, 154, 283, 284, 290-292-FD]

IN THE MATTER OF CONSUMERS' COUNSEL; STATE OF NEW YORK, BY ATTORNEY GENERAL; CONSUMERS' COUNSEL ON BEHALF OF ASSOCIATED INDUSTRIES OF NEW YORK; STATE OF NEW YORK; STATE OF NEW YORK & CONSUMERS' COUNSEL; CITY OF CLEVELAND, OHIO; CONSUMERS' COUNSEL ON BEHALF OF CITY OF NEW YORK; CITY OF NEW YORK, N. Y.; CITY OF ATLANTA, GA.; CITY OF ST. LOUIS, MO.; CITY OF ROCHESTER, N. Y.

#### NOTICE OF CONTINUANCE OF HEARINGS

Notice is hereby given that the hearings in the above entitled matters now scheduled for March 8, 1938, at the hour of 10:00 o'clock A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C., are hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-590; Filed, February 25, 1938; 12:16 p. m.]

<sup>1</sup> 3 F. R. 405 (DI).

<sup>2</sup> 3 F. R. 279-281, 307, 308 (DI).



[Docket Nos. 87-89, 97, 99-101, 105, 135, 137, 138, 141, 142, 174, 189, 209, 210, 253-FD]

IN THE MATTER OF ROCHESTER & PITTSBURGH COAL CO.; A. G. & S. MINING CO.; BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 1; BERWIND-WHITE COAL MINING CO.; MONROE COAL MINING CO.; EBENSBURG COAL CO.; HEISLEY COAL CO.; BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 7; THE POWHATAN MINING CO.; PITTSBURGH TERMINAL COAL CORP.; PITTSBURGH COAL CO.; UNION COLLIERIES CO.; MARTEN A. REIBER, RECEIVER FOR BUTLER CONSOLIDATED COAL CO.; PURSGLOVE COAL MINING CO.; BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 2; UNION COLLIERIES CO.; PITTSBURGH COAL CO.; MIDLAND COAL & MINING CO., ET AL

#### NOTICE OF CONTINUANCE OF HEARINGS

Notice is hereby given that the hearings in the above entitled matters now scheduled for February 28, 1933,<sup>1</sup> at the hour of 10:00 o'clock A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C., are hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-596; Filed, February 25, 1938; 12:17 p. m.]

[Docket No. 181-FD]

#### IN THE MATTER OF BELL & ZOLLER COAL MINING COMPANY

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for March 7, 1938,<sup>2</sup> at the hour of 10:00 A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C. is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February 1938.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-594; Filed, February 25, 1938; 12:17 p. m.]

[Docket No. 294-FD]

#### IN THE MATTER OF KEYSTONE COAL & COKE COMPANY

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for March 3, 1938,<sup>1</sup> at the hour of 10:00 o'clock A. M., at the Hearing Room of the Commission in the Walker Building, Washington, D. C., is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-595; Filed, February 25, 1938; 12:17 p. m.]

[Docket No. 299-FD]

#### IN THE MATTER OF JAMISON COAL & COKE COMPANY

#### NOTICE OF CONTINUANCE OF HEARING

Notice is hereby given that the hearing in the above entitled matter now scheduled for March 3, 1938,<sup>1</sup> at the hour of 10:00 A. M. at the Hearing Room of the Commission in the Walker Building, Washington, D. C. is hereby continued indefinitely.

By order of the Commission.

Dated this 24th day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-589; Filed, February 25, 1938; 12:15 p. m.]

<sup>1</sup> 3 F. R. 405 (DI).

<sup>2</sup> 3 F. R. 449 (DI).

#### FEDERAL TRADE COMMISSION.

#### United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2596]

#### IN THE MATTER OF GRAND GASLIGHT, INC.

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 23, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-576; Filed, February 25, 1938; 9:53 a. m.]

#### United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2604]

#### IN THE MATTER OF LEDNEW CORPORATION

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 18, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in room 424, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-577; Filed, February 25, 1938; 9:53 a. m.]



*United States of America—Before Federal Trade  
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2788]

*IN THE MATTER OF DURO-TEST CORPORATION*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 21, 1938, at ten o'clock in the forenoon of that day, in room 424, Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-578; Filed, February 25, 1938; 9:53 a. m.]

*United States of America—Before Federal Trade  
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3072]

*IN THE MATTER OF JOSEPH C. BRADLEY, JOHN M. SCHULZ,  
WILLIAM M. IRELAND, FRIEDA E. BRESLIN, AND A. R. ERBE*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, February 15, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in room 424 of the Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-579; Filed, February 25, 1938; 9:54 a. m.]

*United States of America—Before Federal Trade  
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3151]

*IN THE MATTER OF W. W. KIMBALL COMPANY, A CORPORATION;  
BEN F. DUVAL; GEORGE H. KRANZ; AND VICTOR G. WILLIAMS,  
TRADING AND DOING BUSINESS AS WILLIAMS MUSIC STORE*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 21, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-580; Filed, February 25, 1938; 9:54 a. m.]

*United States of America—Before Federal Trade  
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3169]

*IN THE MATTER OF ARGO PEN-PENCIL COMPANY, INC., A COR-  
PORATION, AND HARRY SACHNOFF, AN INDIVIDUAL*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, March 1, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-572; Filed, February 25, 1938; 9:49 a. m.]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3201]

*IN THE MATTER OF CHENILLE CORPORATION OF AMERICA, A CORPORATION*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, February 24, 1938, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-581; Filed, February 25, 1938; 9:54 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3202]

*IN THE MATTER OF FEE & STEMWEDEL, INC., A CORPORATION*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, February 23, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-582; Filed, February 25, 1938; 9:55 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayers, Robert E. Freer.

[Docket No. 3223]

*IN THE MATTER OF NANNETTE, INC., A CORPORATION, JAMES M. WOODMAN, AND WILLIAM J. LARSON*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, February 16, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-583; Filed, February 25, 1938; 9:55 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3228]

*IN THE MATTER OF ARTHUR R. PATTERSON, ALBERT C. KEHR, ARTHUR W. EDSON, EVA O. BROWN, AND MINNETHA COE, INDIVIDUALLY, AND DOING BUSINESS UNDER THE NAME AND STYLE OF PATTERSON SCHOOL*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, February 17, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-584; Filed, February 25, 1938; 9:55 a. m.]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3262]

*IN THE MATTER OF MORETRENCH CORPORATION, A CORPORATION  
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, March 4, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-574; Filed, February 25, 1938; 9:49 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3279]

*IN THE MATTER OF CARTER CARBURETOR CORPORATION, RESPONDENT  
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, February 15, 1938, at ten o'clock in the forenoon of that day (central standard time), in room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-585; Filed, February 25, 1938; 9:56 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3313]

*IN THE MATTER OF THE GOUDEY GUM COMPANY, A CORPORATION,  
ALSO TRADING AS AROUND THE WORLD GUM COMPANY;  
AND RAINBOW GUM COMPANY, A CORPORATION*

*ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY*

This matter being at issue and ready for the taking of testimony and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, March 4, 1938, at two o'clock in the afternoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-573; Filed, February 25, 1938; 9:49 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of February, A. D. 1938.

[File No. 1-2139]

*IN THE MATTER OF MISSOURI PACIFIC RAILROAD COMPANY 5%  
CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$100 PAR VALUE,  
AND COMMON STOCK, \$100 PAR VALUE*

*ORDER CHANGING DATE FOR HEARING*

The Commission having directed under date of February 14, 1938,<sup>1</sup> that pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, a hearing be held March 1, 1938, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in Room 1103 at 10:00 A. M. to determine whether registration of the Five Per Cent Cumulative Convertible Preferred Stock, \$100 Par Value, and Common Stock, \$100 Par Value, of Missouri Pacific Railroad Company on the New York Stock Exchange should be suspended for a period not exceeding twelve months or be withdrawn; and

The Registrant having requested a postponement of such hearing;

*It is ordered*, That the hearing heretofore called for March 1, 1938, be held at the same hour and place on March 15, 1938; and

*It is further ordered*, That for the purpose of such proceeding, Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-587; Filed, February 25, 1938; 10:56 a. m.]

<sup>1</sup> 3 F. R. 477 (DI).